

BIG SANDY NEWS.

Aut inveniam viam, aut faciam.

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MARCUM TRIAL

Has Occupied Attention of Court For a Week.

Now in Hands of Jury and a Verdict or Disagreement Expected at Any Time.

The most important cases that attracted the notice of this section engaged the attention and attention of a jury has occupied the attention of the court this week. From the moment it was called all it was given to the twelve men who should weigh the testimony and render a verdict, it was a struggle between giants. From Winchester, Prestonsburg and from Catlettsburg, Huntington, with the best of the Louisa bar, the renowned in the profession of law—that science which has been called the perfection of common sense—had been summoned to prosecute the slayer of John Whitaker on that fateful Sabbath night of September last, and to defend and give back Dr. Marcum to an anxious wife and children, freed by the verdict of twelve men, good and true. And while the interest and concern of the public were great the battle waged by the stalwarts of the bar was no less strenuous. The play of these opponents was, in some respects, like unto the strife waged by players of chess. No move was made without its motive, and no move was made unwatched by the other side. Step by step the game was fought—always noticed by the attentive onlooker, often noticeable for the skill and brilliancy of the move.

The case was called on Thursday morning, and, contrary to general expectation, both sides announced ready, and presently the tedious work of empaneling a jury began. Sheriff R. A. Stone is related to Dr. Marcum, the only defendant on trial, although Frank Blevins, now dead, and James Agmore, of Prestonsburg, had been lately indicted for the killing of Whitaker, and the court appointed H. Johns a special bailiff to summon what jurors might be needed. The prosecution presented such an array as Commonwealth's Attorney John Waugh, Frank Hopkins, of Prestonsburg, Callie Howard, of Magoffin county, and A. Floyd Byrd, of Winchester. Opposed to these were John S. Marcum, R. T. Burns, M. C. Kirk, L. W. Castle, A. J. Garred, G. W. Shaggs, H. C. Sullivan, Judge W. W. Marcum, W. D. O'Neal, Jr., M. S. Burns and T. D. Marcum.

When Greek Jotus Greek then comes the tug of war. The examination of the regular jurors occupied the entire afternoon, and when the panel was exhausted only seven jurors had been obtained. The defense was willing that special Bailiff Johns should summon bystanders and others who were competent jurors, but the prosecution insisted upon names being drawn from the jury wheel. Fifty names were drawn and the officers were soon on their way to summon these parties. Near and far, and far into the night they rode to perform this duty. But on Thursday night and Friday and Friday night a rain swept over this county, and the rain fell in torrential fury, roads and all manner of streams ran out of their banks and flooded the county from Rockcastle to Bear creek and from Louisa to Laurel and it lay long for two days, the Court and the net result was four jurors.

The people summoned simply could not get here. At 2 P. M. Saturday the Court gave it up and adjourned until Monday morning. Not long after Court opened on Monday the twelfth and last juror was obtained, and at about eleven o'clock the taking of testimony began. The following jurors were selected: Gus Moore, Wm. Holbrook, Chas. Higgins, C. B. Stuart, Henry Bishop, Tom Caines, M. M. Baker, Con. Bishop, Z. T. Webb, Lys Prince, Dock Carter and W. T. Kane.

The examination in chief of witnesses for the prosecution continued all day Monday and up to about eleven o'clock of Tuesday when it rested and the defense took the floor. The examination of wit-

ness lasted until nine o'clock Tuesday night, when court adjourned until Wednesday morning. After Judge Hannah had delivered his instructions to the jury the argument was opened by Mr. R. T. Burns for the defense, who spoke till noon and concluded his argument after dinner. Mr. Burns was followed by H. C. Sullivan, also for the defense. At the close of Mr. Sullivan's speech Mr. Frank Hopkins, of Prestonsburg, opened for the prosecution. He was followed by M. S. Burns for the defense, and then recess was had until Thursday morning.

The argument for the commonwealth was continued yesterday morning by A. Floyd Byrd, of Winchester. At the conclusion of his speech John S. Marcum, of Huntington, and an uncle of the defendant, made the concluding plea for Dr. Marcum. The final speech in this interesting case was made by the commonwealth's attorney, John W. Waugh.

Audiences limited in size only by the capacity of the Court House attended during the argument. Many ladies graced the occasion with their presence.

Frank Kelley Out On Bail.

Frank Kelley has executed bond and secured his release from jail pending trial for complicity in the burning of Chas. Cooper's house and children at Cherokee, this county. He mortgaged his farm to his bondsmen. The other parties to the indictment are yet in jail, including Kelley's aged mother and his youthful son.

FOR SORGHUM GROWERS.

Proposition Open to Big Sandy Farmers to Contract Their Crop.

J. J. Berry, senior member of the firm of Berry, Mayborn Co., Chicago and New Orleans, wholesale dealers in molasses, was in Louisa and Port Gay last Saturday for the purpose of contracting with farmers to grow Big Sandy sorghum.

J. B. Peters is the representative of Berry, Mayborn Co., and has made contracts for several hundred acres and will make further contracts. He has authority to arrange for 15000 barrels.

The farmers who are interested in a proposition of this kind will find it to their interest to consult Mr. Peters. The buyers will furnish the barrels to the farmers, thus relieving them of considerable expense and trouble. By making a contract now the farmer knows just what he is doing. His crop is sold before it grows and he escapes the work, worry, loss of time and uncertainty in price that he has to contend with when he waits until the fall to make a sale.

The farmers of this section need to pay more attention to crops that are readily marketable for cash. They should produce more of the products that go to the outside world and bring real money into their hands. Our lands should be more profitably cultivated. The old method of raising enough corn and bacon to pull through the winter is out of date. Farmers may do better now by adjusting their crops to the demands, using their brains as well as their hands, and working full time. Sorghum is one of the cash crops. Contract in advance and let the buyer take chances on the market price next fall.

Paintsville's Fine Church Building.

The new South Methodist Church building being erected at Paintsville will be ready for use by September when the West Virginia Annual Conference will meet there. The cost will be about \$20,000.00. Most of the money will be furnished by Mrs. J. C. Mayo.

The walls of this magnificent structure are of native stone, of which an excellent quality is found in the hills surrounding Paintsville. The roof will be of green glazed tile of handsome design. The building will contain all the modern features, including a basement equipped for every need of the church workers. A pipe organ will be installed, half the cost of which will be paid by Andrew Carnegie.

COMMENCEMENT

Exercises of Kentucky Normal College Next Week.

Fine Program Arranged, Beginning With Sermon Sunday Evening and Closing with Orations Friday.

The annual commencement exercises of the Kentucky Normal College will be held during the coming week, beginning with the Baccalaureate Address by Rev. W. E. Henry, pastor of the Parkersburg Baptist Church, Parkersburg, W. Va., at the M. E. Church South, on Sunday evening, May the ninth at seven o'clock.

The choirs of the several churches will unite to furnish excellent music, and old familiar hymns will be sung by the congregation. The pastors of the city will assist in the program; all of the churches will unite in the service. Every one is cordially invited to be present. The Alumni Association will hold its annual meeting at half past two o'clock, Thursday afternoon at the Public School Building. All they Alumni and Alumnae are requested to attend.

The final and most interesting exercises of the week will be held at the Court House on Friday evening at half past seven o'clock.

The music for the occasion will be furnished by Prof. Damm's Orchestra. There will be eight orations delivered by the graduates from the department of Arts and Sciences. These orations are entirely original, composed by the speaker for this occasion, and will furnish an evening's entertainment interesting, instructive, and delightful. The graduating class is as follows:

Boch, T. Fred, A. B., and B. S., Yards, Va. Caldwell, Leander C., B. S., Culbertson, Ky. Copley, Luther L., Commercial Course, Warfield, Ky. Davis, Allen C., A. B., and B. S., Culbertson, Ky. Frazier, Paul J., B. S., Fort Gay, W. Va. Luckey, Margaret M., A. B., and B. S., Louisa, Ky. Pendleton, Edgar W., A. B., and B. S., Louisa, Ky. Spencer, Edward K., A. B., and B. S., Louisa, Ky. Turman, Allen H., B. S., Culbertson, Ky.

Scientific Class Motto: "The end crowns the work."

Classic Class Motto: "The reward of study is power."

Scientific Class Colors: Navy blue, white and scarlet.

Classic Class Colors: Navy blue, white and old gold.

Commercial Class Colors: Navy blue, white and lavender.

The diplomas will be conferred by Professor Byington.

All those receiving the A. B. degree graduate with high honors, having made a general average in all their college work of above ninety percent. One Mr. Davis, graduates with highest honors, having made a general average of more than ninety-five percent. He is therefore the Valedictorian of the class.

Aged Prestonsburg Ledger.

James Polk Harris of the city, is in possession of probably the oldest business record in the Sandy valley. It is a ledger that was kept by his grandfather, John Graham, who was a Scotchman and descendant of John Graham, of war fame, being participant in the unsuccessful war between the Scotch and the English for the former's independence. This old ledger is in a perfect state of preservation; and, being written in a time when goose quill was the best they could do for a pen, it might be said to be a remarkable piece of penmanship.

Many curious facts were noted down in this ancient record, which the writer did not dream would be looked upon by wondering eyes over one hundred years from that date.

On the back fly leaf the following note will be found:

"Removed to Prestonsburg July 20th 1861."

The oldest date is 1789, and the latest date is 1814, which means that the book was used by Mr. Graham continuously for 16 years.

At the bottom of page 21 will be found the following entries which were debited on account of Alexander Southerland.

"Aug. 15, 1801. To 46 large bear skins, \$13.16s.

Aug. 15, 1801. To 26 small bear skins, \$3.18."

On the same page will be found 4 deer skins credited to the account of Mrs. Henben Clark, which shows that the ladies of those wonderful days, were hunters of some skill, a reputation that has lasted traditionally to the present day.

From this record we learn that salt sold for a larger price on the bushel than a barrel of flour costs today. This can be understood when you consider that it was "toted" on horse back from Pittsburg, Pa., which is several hundred miles away.

Mr. Graham was both sheriff and county judge of Floyd county at that time when Floyd county embraced 17 other counties.—Prestonsburg Herald.

Missionary Rally on Big Sandy.

During the week beginning May 30 a Missionary Rally will be held in the four towns on the Big Sandy river—Pikeville, Prestonsburg, Paintsville and Louisa. The dates for the Louisville meeting are May 12th and 13th. The work will be done by ministers and laymen of the M. E. Church South of Ashland district.

PARDONS REFUSED.

For Crimes Other Than Assassination, Good Reasons Must Be Shown.

The following from the Courier-Journal refers to Lyman Vaughan, sent to the Reform School for stealing beer from the C. & O. depot at Richardson.

No information to show whether the sentence was to the penitentiary or to jail was contained in the papers in the case of Lyman Vaughan, sentenced in Lawrence county. Gov. Willson could not tell from the record in the case whether he went to the penitentiary or was sent to jail, so he refused to grant a pardon.

He also refused to pardon Willie Arnett, sent to the penitentiary for five years for manslaughter committed in Morgan county. The Governor says he sees no reason for granting clemency.

Entertained at Whist.

Mr. and Mrs. M. S. Burns entertained a large whist party last Friday evening in their usual delightful way. There were six tables, and the play continued to a very late hour. This was followed by the serving of most delicious cake, cream and sherbet. Although the number of guests was large, and the ladies were in elegant and up-to-date costumes, there was an absence of formality which rendered the occasion more than usually pleasing and the expressions of delight at being present were hearty and unanimous. The guests from out of town were Judge and Mrs. J. B. Hannah and Mr. and Mrs. John W. Waugh.

The Court.

On Saturday last the grand jury made its final report and was discharged. Fifty-eight indictments were made. Joe Vinson was tried on a charge of banding and confederating to commit a felony and was acquitted. For carrying concealed deadly weapons he was not so fortunate, being fined heavily, and sentenced to imprisonment. He fled there by forfeiting his bond. When this paper went to press the commonwealth docket had not been finished.

This is the time of the year when the house is turned upside down, the rugs beaten to death, and everybody, from the cook to the cat, as mad as a bear with a sore head. When it's all over the only difference visible is that the dresser stands where the washstand used to be.

SAD REFERENCE

Made in Sermon at Washington by Rev. Shannon.

Speaks Touchingly of the Death of His Worthy Grandmother, Mrs. Chattie Sullivan.

Not long ago Rev. Fred F. Shannon, pastor of Grace M. E. Church, Brooklyn, preached in Foundry M. E. Church, Washington. "The Christian Imperative" was the subject of Mr. Shannon's morning sermon, the text being I. Corinthians xv:53: "For this corruptible must put on incorruption, and this mortal must put on immortality." He said in the course of his sermon:

The Christian imperative, so inimitably expressed in my text, is based upon a colossal fact. It is not hearsay, nor fable, nor sentiment. Christ did die, Christ was buried, Christ rose again. This is the immovable foundation upon which the Christian superstructure rests.

I. Weaponed with this indisputable fact, and glowing with divine fire it has kindled his soul, Paul annihilates all unchristian denial of the general resurrection. For the Corinthians did not question the immortality of the soul. But some of them bluntly denied the resurrection of the dead. Then it is that Paul confronts them with the fact of Christ's resurrected body. How say some among you, then, that there is no resurrection of the dead? Christ hath been raised, and Christ is the head of humanity. His resurrection reveals the law of revival, just as Newton's apple reveals the law of gravitation. Now, if there be no resurrection of the dead, then Christ is still dead."

After this Mr. Shannon beautifully amplified Paul's analogies of the seed, animate nature, and the celestial and terrestrial universe.

The preacher's argument along these lines must be read intact; no synopsis can do it justice. In concluding Mr. Shannon spoke as follows:

"Yes, and the heart demands the Christian imperative also. No one realized this so profoundly as Jesus, and so He said: 'Let not your heart be troubled.' In the supreme things, the reasons of the heart are more trustworthy than the reasons of the brain. Else how are we to explain these deathless longings of the heart? They are found in all men, in all races, in all climes, in all times. The stream of years cannot wash them out, either racially or individually. I was one of a company of dear ones who sat in the quiet afterglow of a last summer's evening. We were talking of the passing away of our father, grandfather, and now great-grandfather, forty-five years ago. Finally, his companion and widow said: 'Ah, children, it has been a long time since he left me, and pointing to me he was just a little older than that boy, and on the threshold of his ministerial career, when he went away.' It was to me one of the most pathetically touching expressions of unrequited longing that I ever heard. Now, here is a singular fact—but it is a fact. Sitting in my study on Tuesday morning, the 6th of this month, about 9:20 o'clock, I was profoundly moved—moved in fact to tears by a sudden and vivid recollection of these words of my grandmother. A few hours later came the telegram announcing that she had gone home. And she went at almost exactly the same minute that I was thinking of her words concerning him, who had left her half a century ago. Little wonder, on receiving the message, I exclaimed: 'Well, isn't it strange?' Yes; it does seem so to us, but I am persuaded that it is not so to those who fall asleep in Jesus."

Now, I left at once for Kentucky. But on account of a week near Philadelphia, I missed connection, by twenty minutes, with the only Southern train that would have me there in time for her funeral. Still, I know where they put her to rest. That beautiful city of the dead stands upon a hill crowned with pines. More than once have I climbed to that peaceful summit in the moonlight to listen to the music of those pines, as the summer breezes fingered their

branch-like strings. I had no fear then, or now, of graves and tombstones. The only fear I have in this world or any other is that I may be counted unworthy to stand before the Son of Man.

And so, I missed my train, but I do not expect to miss the resurrection privilege of seeing her, and God's great, glorious, beautiful dead, once again. As Frederick Robertson said, after going out in the starlight with the sexton to bury his lovely little girl: "I am very much disappointed, but I feel that Infinite Love guides all." And Infinite Love, also, explains why historic fact, the great Christian positives, the countless analogies coming from all quarters of the universe, the voice of reason, and the voice of the heart unite in proclaiming with Paul the Christian imperative: "For this corruptible must put on incorruption, and this mortal must put on immortality."

West Virginia's New Pistol Law.

A new law will go into effect in West Virginia May 17th providing license for those desiring to carry pistols. The license will cost \$10 and the applicant must give two weeks' notice in a local paper, prove his character is good, and give reasons for carrying concealed weapons. Any one carrying a pistol without license gets six to twelve months in jail for first offense, and one to two years in penitentiary for second offense, a fine of \$50 to \$200 accompanying each offense. And Judge Wilkinson will see that offenders get liberal doses.

DR. FRANKS SUICIDES.

In Fit of Despondency a Man Known Here Killed Himself.

Dr. Ed Frank, a native of Prestonsburg, but practicing medicine last at Catlettsburg, committed suicide by shooting himself through the head in Greenwood Cemetery, Lexington.

The following note, written on a Read Hotel letter head, was found in Dr. Frank's coat:

"The derelict, &c., will cross over the river and cut under the shade. May God have mercy on my soul. It all hinges on if Christ be risen. I can't avoid what I must face. The inevitable must be met gamely. I trust the reporters will be lenient for the sake of those who in life trusted me. I could register and die in a hotel, but it would be an imposition, I only trust the end will come speedily and I will not have to linger. It cost me \$300 to procure \$12.50. I used \$5 trying to figure out a way to a new start in life; the balance to help me die. I have no one to turn to, so God grant I have the nerve to pull the trigger. E. D. Frank."

Frank was an optician, and a few years ago he was in this city, remaining only a short time.

The Council.

This body met in regular monthly session Tuesday night with the Mayor and members present except C. C. Hill. Beyond transacting routine business very little was done. The treasury is depleted, and without funds the wheels won't go 'round. But money will begin to come in pretty soon. Marshal Wellman has the city tax books and instructions from the city council to collect as rapidly as possible. The officer also has a list of all the four- and three-legged dogs in town, and he was ordered to collect and spare not. If the dog tax is not paid the animal must pay the penalty.

A novel shipment, probably the first of the kind, was made by a Louisa merchant this week. William Sullivan shipped to J. E. Porter, of Ironton, a bushel of maple seed. These will be planted by Mr. Porter in and about his home property in Ironton. Mr. Sullivan obtained the seed by hiring boys to furnish them to him at so much per gallon.

The many Gate City friends of Mr. Edward K. Spencer, the Salutatorian of the Class of '09 will be glad to hear he is a member of the class and of his good record at the Kentucky Normal. Mr. Spencer is well known in this city and was formerly connected with The Tribune office.—Catlettsburg Tribune.